

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 April 2008 has been entered.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-9 and 13-20, drawn to a method and system for accessing encrypted information and decrypting said information, classified in class 726, subclass 27.
 - II. Claims 23-27, drawn to accessing data at a remote server from a USB device via a host device, classified in class 709, subclass 219.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as encrypting data accessed at the remote server. See MPEP § 806.05(d).

3. The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP

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§ 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

4. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

5. Newly submitted claims 23-27 are directed to an invention that is independent or distinct from the invention originally claimed for the reasons discussed above.

6. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

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on the merits. Accordingly, claims 23-27 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

7. Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

DETAILED ACTION

8. Claims 1-9 and 13-20 have been presented for examination.

9. Claims 10-12, 21, and 22 have been cancelled as per Applicant's request.

10. Claims 23-27 are drawn to a non-elected invention.

11. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

12. Authorization for this examiner's amendment was given in a telephone interview with Wendi Schepler on 02 July 2008.

13. The application has been amended as follows:

18. (Currently amended) A method for authenticating a password, comprising:
an authentication system receiving the password from a host coupled to the authentication system, wherein the authentication system is configured to be coupled to and uncoupled from the host;

the authentication system receiving encrypted data from a web server via the host and
storing the encrypted data in a storage unit of the authentication system;
the authentication system providing an authentication sequence;
the authentication system executing an authentication algorithm to verify the password
with the authentication sequence, wherein the authentication algorithm is stored
on a read-only memory unit of the authentication system;
the authentication system permitting access to the encrypted data on said storage unit
only if the password is verified; ~~and~~
the authentication system decrypting said encrypted data using an encoder coupled to the
storage unit; and
the authentication system providing the decrypted data to the host if the password has
been verified before use in the host.

23-27 (cancelled)

Response to Arguments

14. Applicant's arguments, see pages 8-10, filed 11 April 2008, with respect to the prior art rejection of claims 1-9 and 13-20 have been fully considered and are persuasive. The 35 U.S.C. 103(a) rejection of claims 1-9 and 13-20 has been withdrawn.

Allowable Subject Matter

15. Claims 1-9 and 13-20 are allowed.

16. As noted above, the Examiner's reasons for allowance closely mirror the Applicant's arguments. The Examiner agrees with Applicant's arguments that the prior art does not show an encoder couple between the microcontroller and the second storage unit that is used to

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encrypt/decrypt data. This feature, as well as the amendments to distinguish from the Wang reference, do not appear in the prior art nor does any teaching that would render such a feature obvious. As noted in the attached Interview Summary, claims 23-27 were cancelled as being drawn to a non-elected invention.

17. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. The following patents are cited to further show the state of the art with respect to USB security tokens, such as:

United States Patent No. 7,269,258 B2 to Ishihara et al., which is cited to show a USB cryptographic key that encrypts and decrypts data and provides a password to the host. The claimed invention requires that the microcontroller (USB device) receives the password and performs the authentication.

United States Patent Application Publication No. 2003/0095659 A1 to Ishihara et al., which is cited to show a USB cryptographic key that encrypts and decrypts data and provides a password to the host. The claimed invention requires that the microcontroller (USB device) receives the password and performs the authentication.

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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian LaForgia whose telephone number is (571)272-3792.

The examiner can normally be reached on Monday thru Thursday 7-5.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christian LaForgia/
Primary Examiner, Art Unit 2139

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